

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1190 OF 2004

1. Bapu S/o. Dattu Jagtap,
Age: 35 Years, Occupation: Agriculture,
R/o Palsingan, Tq. & Dist. Beed
2. Tuljiram S/o. Dattu Jagtap
Age: 25 Years,
Occu.& R/o. As Above. ..Appellants

Versus

State of Maharashtra,
Through Collector, Beed. ..Respondent

WITH

FIRST APPEAL NO. 1191 OF 2004

Raghu S/o Sakharam Jagtap (Died L.Rs.)

1. Shivaji S/o. Raghu Jagtap,
Age: 32 Years, Occupation: Agriculture,
R/o Palsingan, Tq. & Dist. Beed
2. Tukaram S/o. Raghu Jagtap
Age: 28 Years,
Occu.& R/o. As Above. ..Appellants

Versus

State of Maharashtra,
Through Collector, Beed. ..Respondent

WITH

FIRST APPEAL NO. 1192 OF 2004

Manik S/o Baburao Jagtap
Age: 62 Years, Occupation: Agriculture,
R/o Palsingan, Tq. & Dist. Beed ..Appellant

Versus

State of Maharashtra,
Through Collector, Beed. ..Respondent

(2)

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Mr. S.G. Chapalgaonkar, Advocate for Appellants.
Mr. P.M. Kulkarni, AGP for the Respondent-State.

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CORAM : P.R. BORA, J.

DATED : 09th JANUARY, 2019.

ORAL JUDGMENT:-

. Heard Shri Chapalgaonkar, the learned counsel appearing for the appellants and Shri Kulkarni, the learned AGP appearing for the respondent-State.

2. In the present appeals, the only prayer made by the appellants is to direct the respondents to pay to the appellants the interest under Section 34 of the Land Acquisition Act, 1894 from the date of losing possession i.e. 01.03.1968 till passing of the award under Section 11 of the Act i.e. 22.07.1993. The learned counsel contended that in the common judgment and award passed by the Reference Court, the Reference Court has awarded such an interest to all other claimants and the relief is refused only to the present appellants in the present three matters, as they had filed the civil suit earlier for the same relief, which was dismissed by the Civil Court on the point of limitation.

3. The Full Bench judgment of this Court in the case of ***"The State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) All M.R. 513"*** has ruled that the interest under Section 34 of the Land Acquisition Act, 1894 can only be awarded from the date of declaration of the award under Section 11 of the Act and not from any prior date unless the possession is taken in accordance with Section 17 of the Act. In view of the law laid down as above, it is difficult to accept the request made by the appellants in the present appeals to direct the respondents to grant them the interest under Section 34 of the Act from the date their lands were taken in possession by the government till the date of passing of the award under Section 11 of the Act. In the circumstances, all these appeals deserve to be dismissed and are accordingly dismissed however, without any order as to costs.

(P.R. BORA, J.)